

CHAPTER 154: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 154.001 CITATION AND AUTHORITY.

This chapter is adopted to supplement and implement the Subdivision Map Act, Cal. Gov't Code §§ 66410 et seq., and may be cited as the Subdivision Ordinance of the City of Eureka.

('63 Code, § 10-4.101) (Ord. 416-C.S., passed 12-6-84)

§ 154.002 PURPOSE.

It is the purpose of this chapter to regulate and control the division of land within the city and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Planning Commission, the City Engineer, the Department of Community Development and the City Council regarding such maps. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land and to insure provisions for adequate traffic circulation, utilities and services.

('63 Code, § 10-4.102) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02)

§ 154.003 CONFORMITY TO GENERAL PLAN, LOCAL COASTAL PROGRAM, SPECIFIC PLAN AND ZONING ORDINANCES.

(A) No land shall be subdivided and developed for any purpose which is not in conformity with the general plan and any specific plan of the city or specifically authorized by precise zoning of the city. No subdivision approval shall be given to any project located in the coastal zone which is found to be in conflict with the certified Local Coastal Program.

(B) The type and intensity of land use as shown on the general plan and coastal land use plan for lands in the coastal zone shall determine the type of streets, roads, highways, utilities and public services that shall be provided by the subdivider.

(C) For lands within the coastal zone, the subdivider shall obtain a coastal development permit, as prescribed in Chapter 156 of this title, in addition to the requirements of this chapter.

('63 Code, § 10-4.103) (Ord. 416-C.S., passed 12-6-84) Penalty, see § 150.999

§ 154.004 APPLICATION.

The regulations set forth in this chapter shall apply to all subdivisions or parts thereof within the city and to the preparation of subdivision maps thereof and to other maps provided for by the Subdivision Map Act. Each such subdivision and part thereof within the city shall be made and each such map shall be prepared and presented for approval as hereafter provided for and required.

('63 Code, § 10-4.104) (Ord. 416-C.S., passed 12-6-84)

§ 154.005 MODIFICATION OF REQUIREMENTS.

(A) Whenever, in the opinion of the Planning Commission, the land involved in any subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible or impracticable in the particular case for the subdivider to conform fully to the regulations contained in this chapter, the Planning Commission may make such modifications thereof as, in its opinion, are reasonably necessary or expedient and in conformity with the State Subdivision Map Act. In the case of subdivisions of four or less units, this determination may be made by the Director of Community Development with the concurrence of the City Engineer.

(B) This section shall not apply to subdivisions in the coastal zone.
('63 Code, § 10-4.105) (Ord. 416-C.S., passed 12-6-84)

§ 154.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVISORY AGENCY. A designated official or an official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority to approve, conditionally approve or disapprove maps.

BLOCK. The area of land within a subdivision which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

CITY. The City of Eureka.

CITY ENGINEER. The City Engineer of the city.

COASTAL COMMISSION. The California Coastal Commission.

COASTAL LAND USE PLAN. The city's land use plan, an element of the Local Coastal Program certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976, Cal. Public Resources Code, §§ 30000 et seq.

COMMON INTEREST DEVELOPMENT. Means any of the following:

- (1) A community apartment project.
- (2) A condominium project.
- (3) A planned development.
- (4) A stock cooperative.

COMMUNITY APARTMENT PROJECT. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

CONDOMINIUM. An estate in real property consisting of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

CONDOMINIUM PROJECT. A development consisting of condominiums.

CONVERSION. The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings thereon.

DESIGN. Street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to insure consistency with, or implementation of the general plan or any applicable specific plan. (Cal. Gov't Code § 66418)

DEVELOPMENT COORDINATION COMMITTEE. A body consisting of representatives from city departments which reviews development proposals within the city. The Committee Coordinator shall be the representative from the Department of Community Development.

ENVIRONMENTAL IMPACT REPORT (EIR). A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 22100 of the California Environmental Quality Act, and may mean either a draft or a final EIR.

FINAL MAP. A map showing a subdivision for which a tentative and final map is required by the Subdivision Map Act or this chapter, prepared in accordance with the provisions of this chapter and the Subdivision Map Act designed to be recorded in the office of the County Recorder.

GENERAL PLAN. The general plan of the city, adopted September 1977, and any

amendment thereto.

IMPROVEMENT.

(1) Such street work, storm drainage, utilities and landscaping to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; or to such other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.

(2) Improvements shall be constructed in accordance with city standards and details and/or when applicable with standards as adopted by local utility companies and approved by the City Engineer.

LOT. A parcel of land, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use which has frontage on a dedicated improved public street that serves as the principal means of access to abutting land, described as in a subdivision or record of lease, survey map or by metes and bounds for the purpose of sale, financing or separate use.

LOT LINE ADJUSTMENT. A minor shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created, as approved by the Director of Community Development with the recommendations from the Development Coordinator Committee.

MERGER. The joining of two or more contiguous parcels of land under one ownership into once parcel.

MAP ACT. The Subdivision Map Act of the State of California.

PARCEL MAP. A map showing a division of land of four or less parcels as required by this chapter, prepared in accordance with the provisions of this chapter and the Map Act.

PERIPHERAL STREET. An existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

PLANNED DEVELOPMENT. A development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

(1) The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with California Civil Code Section 1367 or 1367.1.

REMAINDER. That portion of an existing parcel which is not included as part of the subdivided land. The remainder is not considered as part of the subdivision but must be shown on the required maps as part of the area surrounding subdivision development.

STOCK COOPERATIVE. A development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code. A **STOCK COOPERATIVE** includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the Health and Safety Code.

SUBDIVIDER. A person, firm, corporation, partnership or associate who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

SUBDIVISION.

(1) The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. **SUBDIVISION** includes a condominium project, as defined herein or in Cal. Civil Code § 1351, a community apartment project, as defined in Cal. Civil Code § 1351, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Cal. Civil Code § 1351. (Cal. Gov't Code § 66424)

(2) **SUBDIVISION** does not include:

(a) Buildings divided into apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks for the purpose of lease or financing;

(b) Land divided by mineral, oil, or gas leases;

(c) Land dedicated for cemetery purposes under the California Health and Safety Code;

(d) A lot line adjustment between two or more adjacent parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created, provided the lot line adjustment is approved by the Director of Community Development;

(e) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party; or,

(f) Any separate assessment under Cal. Rev. & Tax. Code § 2188.7.

SUBDIVISION IMPROVEMENT STANDARDS. Standard details, standard specifications, and other standards approved by the City Engineer that shall govern the improvements to be constructed pursuant to this chapter and the Map Act.

TENTATIVE MAP. A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

VESTING TENTATIVE MAP. A ***TENTATIVE MAP*** that shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed in accordance with § 154.048(D) of this chapter, and is thereafter processed in accordance with the provisions hereof.

ZONING ORDINANCE. Chapters 155 through 157 of this municipal code, or any ordinance enacted under zoning law.

(‘63 Code, § 10-4.201) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 444-C.S., passed 4-17-86; Am. Ord. 492-C.S., passed 4-20-89; Am. Ord. 588-C.S., passed 2-21-95)

§ 154.007 RESPONSIBILITIES OF OFFICIALS AND ADMINISTRATIVE BODIES.

(A) *City Attorney.* The City Attorney shall be responsible for preparing and approving as to form all subdivision improvement agreements and subdivision improvement securities. (‘63 Code, § 10-4.202.1)

(B) *City Council.*

(1) The City Council shall have final jurisdiction in the approval of final maps and improvement agreement and the acceptance by the city of such lands and/or improvements as may be proposed for dedication to the city for subdivisions of five or more parcels.

(2) The City Council shall act as the Appeals Board for hearing appeals of the approval, conditional approval or denial of tentative subdivision maps for subdivisions of five or

more parcels.

('63 Code, § 10-4.202.2)

(C) *City Engineer.* The City Engineer shall be responsible for:

(1) Establishing design and construction details, standards and specifications; and in conjunction with the Director of Community Development, design matters.

(2) Determining if proposed subdivision improvements comply with the provisions of this chapter and the Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the Director of Community Development for subdivisions of five or more parcels.

(3) The processing and certification of final maps, reversion to acreage maps, and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers and certificates of compliance in conjunction with the Director of Community Development.

(4) The inspection and approval of subdivision improvements.

(5) The acceptance of dedications and improvements for subdivisions of four or less parcels.

(6) The acceptance of private improvements (improvements not to be maintained by the city).

(7) The final certification of maps.

('63 Code, § 10-4.202.3)

(D) *Department of Community Development.* The Department of Community Development shall be responsible for the processing of preliminary and tentative maps, final and parcel maps, and for the collection of all required deposits and fees. ('63 Code, § 10-4.202.4)

(E) *Director of Community Development.* The Director of Community Development shall be responsible for the management of the Department of Community Development in carrying out the responsibilities imposed upon it by this chapter, and shall be responsible for:

(1) Investigating proposed subdivisions for conformity to the general plan, coastal land use plan, specific plans, and zoning ordinances of the city and reporting his findings together with recommendations for approval or conditional approval to the Planning Commission (for subdivision of five or more parcels) and to the City Engineer (for subdivision of four or less parcels).

(2) Examining and certifying that final maps are in substantial conformance to the approved tentative map.

(3) The approval, conditional approval, or denial of the tentative map for subdivisions of four or less parcels.

('63 Code, § 10-4.202.5)

(F) *Development Coordination Committee.* The Development Coordination Committee may, at the discretion of the Community Development Department, be responsible for the review of maps for general layout and aesthetics and making its recommendations to the Director of Community Development. ('63 Code, § 10-4.202.6)

(G) *Planning Commission.* The Planning Commission shall be responsible for approving, conditionally approving, or denying the application for tentative map approval of subdivisions of five or more units and reporting its action to the City Council; and hearing of appeals for subdivisions of four or less parcels. ('63 Code, § 10-4.202.7)

(H) *Coastal Commission.* For proposed subdivisions in the coastal zone which are appealable, as prescribed in Chapter 156 of this title, the City Council's action may be appealed to the Coastal Commission subject to the requirements of Chapter 156 of this title. ('63 Code, § 10-4.202.8)

(Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02)

MAPS REQUIRED

§ 154.020 NECESSITY FOR MAPS.

The necessity for preliminary, tentative, final, and parcel maps shall be governed by the provisions of this chapter.

('63 Code, § 10-4.301) (Ord. 416-C.S., passed 12-6-84)

§ 154.021 MAPS REQUIRED FOR DIVISION OF LAND.

(A) *Five or more parcels.*

(1) A preliminary, tentative, and final map shall be required for all divisions of land when determined by the Director of Community Development that such land may be divided into five or more parcels, or a common interest development consisting of five or more units, except where:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body;

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or,

(d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

(2) A parcel map shall be required for these subdivisions described in subdivisions (a), (b), (c) and (d) of division (A)(1) of this section.

('63 Code, § 10-4.302)

(B) *Four or less parcels.* A preliminary map, at the option of the subdivider, may be submitted prior to the following:

(1) A tentative map and parcel map shall be required for all divisions of lands which create four or less parcels, or a common interest development consisting of four or fewer units, except for:

(a) Divisions of land created by short-term leases (terminable by either party on not more than 30 days notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Cal. Pub. Util. Code § 230; provided, however, that upon a showing made to the City Engineer based upon substantial evidence that public policy necessitates such a map, this exception shall not apply.

(b) Lot line adjustments, provided:

1. No additional parcels or building sites have been created.

2. There are no resulting violations of the code of ordinances.

3. Lot line adjustments may, at the discretion of the Community Development Department, be reviewed by the Development Coordination Committee which will provide recommendations to the Director of Community Development. The Director of Community Development shall approve, conditionally approve, or deny the proposed lot line adjustment. The applicant or interested persons adversely affected may request a review of the Community Development's action in accordance with the procedures of § 154.066(B) of this chapter.

4. For proposed lot line adjustments in the coastal zone, a coastal development permit may be required.

(c) When the parcel map is waived by the Director of Community Development as provided by § 154.066 of this chapter.

(2) A map or written document in a form as required by the Director of Community Development, and a certificate of compliance in accordance with § 154.207 of this chapter shall be required for lot line adjustments, mergers, certificates of compliance and parcel map waivers.

('63 Code, § 10-4.303)

(Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02) Penalty, see § 150.999

§ 154.022 FEES AND DEPOSITS.

All persons submitting maps as required by this chapter shall pay all fees and/or deposits as provided by the city's resolution establishing fees and charges.

('63 Code, § 10-4.304) (Ord. 416-C.S., passed 12-6-84) Penalty, see § 150.999

SUBDIVISION MAPS; FIVE OR MORE PARCELS

§ 154.035 PRELIMINARY MAPS.

(A) Contents and form; tentative map in lieu of preliminary map.

(1) The contents and form and submittal of preliminary maps shall be governed by the provisions of this section.

(2) The tentative subdivision map may be submitted to the Development Coordination Committee in lieu of a preliminary map. If such is submitted, the review time by the Development Coordination Committee shall not be considered as a part of the time limit specified by § 154.040 of this chapter for Planning Commission action.

(B) Submittal to Department of Community Development and Development Coordination Committee action. Prior to the filing of an application for a tentative subdivision map for a subdivision of five or more parcels, the subdivider may submit plans and data related to the design, layout, grading, existing noise levels, and other features proposed for the development as required by the Department of Community Development for submittal to the Development Coordination Committee for preliminary review and comment. The Development Coordination Committee shall advise the applicant in writing of any comments it desires to make and any changes to the proposed plan it deems appropriate as a result of its preliminary review. Upon receipt of the Development Coordination Committee comments on grading, building design, landscaping, building layout, the subdivider shall cause to be prepared a tentative subdivision map pursuant to the provisions of this chapter which shall incorporate the comments of the committee.

('63 Code, § 10-4.401) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02)

§ 154.036 TENTATIVE SUBDIVISION MAPS; GOVERNING PROVISIONS.

The form and contents, submittal and approval of tentative subdivision maps shall be governed by the provisions of this section.

('63 Code, § 10-4.402.1) (Ord. 416-C.S., passed 12-6-84)

§ 154.037 FORM AND CONTENTS.

The tentative map shall be prepared in a manner acceptable to the Department of Community Development and shall be prepared by a registered civil engineer, or licensed land surveyor, as applicable. The tentative map shall be clearly and legibly drawn on one sheet and contain not less than the following:

(A) A title which shall contain the subdivision name, and type of subdivision (such as, planned development, condominium, and the like).

(B) Name, address, and phone number of legal owner, subdivider, and person preparing the map (including registration number).

(C) Sufficient legal description to define the boundary of the proposed subdivision.

(D) Date, north arrow, scale, and contour interval.

(E) Existing and proposed land use.

(F) A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community.

(G) Existing topography of the proposed site and at least 25 feet beyond its boundary, including but not limited to:

(1) Contour lines having the following intervals (the date and the method of developing the contours shall be stated):

(a) Two-foot contour intervals for ground slopes between level and 5%, plus spot elevations as required.

(b) Five-foot contour intervals for ground slopes exceeding 5% but less than 25%.

(c) Ten-foot or 20-foot contour intervals for ground slopes exceeding 25%.

(d) For subdivisions with no lot less than 20 acres, aerial planimetric

maps without contours and blow-up of USGS contours may be submitted in lieu of a more detailed contour map.

(2) Types and size of existing trees shall be indicated. Any trees proposed to be removed shall be so indicated. Trees will be retained wherever possible to preserve the character of the area.

(3) The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked.

(4) The approximate location of all areas subject to inundation or stormwater overflow and the location, width, and direction of flow of each watercourse.

(5) The location, pavement, and right-of-way width, grade and name of existing streets or highways.

(6) The widths, location, and identity of all existing easements.

(7) The location and size of existing sanitary sewers, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets.

(8) The approximate location of the 60, 65, and 70 CNEL (Community Noise Equivalent Level) contours, if any.

(9) For proposed subdivisions in the coastal zone, the location of environmentally sensitive habitat areas and natural hazards, as designated in the coastal land use plan.

(H) Proposed improvements to be shown shall include but not be limited to:

(1) The location, grade, centerline radius and arc length of curves, pavement, and right-of-way, width, and name of all streets. Typical sections of all streets shall be shown.

(2) The location and radius of all curb returns and cul-de-sacs.

(3) The location, width, and purpose of all easements.

(4) The angle of intersecting streets if such angle deviates from a right angle by more than four degrees.

(5) The approximate layout and area and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.

(6) Proposed recreation sites, trails, greenways and parks for private or public use.

(7) Proposed common areas and areas to be dedicated to public open space.

(8) The approximate location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.

(I) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

(J) If the subdivider plans to develop the site as shown on the tentative map in units, then he shall show the proposed units and their proposed sequence of construction, if known, on the tentative map.

(K) The Director of Community Development may waive any of the foregoing tentative map requirements whenever he finds that the type of subdivision is such as not to necessitate compliance with these requirements, or may require other such drawings, data, or other information as deemed necessary.

('63 Code, § 10-4.402.2) (Ord. 416-C.S., passed 12-6-84)

§ 154.038 ACCOMPANYING DATA AND REPORTS.

(A) The tentative map shall be accompanied by the following data or reports.

(1) *Soils report.* A preliminary soils report prepared in accordance with Chapter 70 of the Uniform Building Code shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil limitations or problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain a thorough investigation of each individual lot within the problem area. The report shall be reviewed by the City Engineer.

(2) *Subdivision report.* A preliminary subdivision report showing the names of the parties whose signatures will be necessary under the provisions of the Subdivision Map Act and stating the nature of the interest of the parties in the land being subdivided. The report must include all easements that affect the land being subdivided (Cal. Gov't Code §§ 66436, 66439, 66445(f) and 66447).

(3) *Engineering geology and/or seismic report.*

(a) If the subdivision lies within a “medium risk” or “high risk” geologic hazard area, as shown on maps on file in the Department of Community Development, a preliminary Engineering Geology and/or Seismic Safety Report indicates the presence of geological hazards or seismic hazards which, if not corrected, would lead to structural defects, an

Engineering Geology and/or Seismic Safety Report shall accompany the final map and shall contain a thorough investigation of each individual lot within the problem area. The report shall be reviewed by the City Engineer.

(b) For proposed subdivisions in the coastal zone, the subdivider shall provide reports on liquefaction and shoreline erosion hazards, as designated in the coastal land use plan and as prescribed by the policies therein.

(4) *School site.* The subdivider shall obtain from the school districts involved their intention, in writing, concerning the necessity for a school site, if any, within the subdivision and shall present this information to the Community Development Department prior to the consideration of the tentative map.

(5) *Environmental impact study.* The various time limits set forth in this chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed, and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.

(6) *Utility certification.* Certification in writing from all utilities that the proposed subdivision can be adequately served. The City Engineer may defer the required certifications until after the filing of the tentative map.

(7) *Other reports.* The Director of Community Development may waive any of the foregoing data and reports whenever he finds that the type subdivision is such as not to necessitate compliance with these requirements, or may require other such drawings, data, or reports as deemed necessary.

(B) Subsections (1), (3), (4), and (6) of division (A) shall not apply to condominium conversions.

('63 Code, § 10-4.402.3) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02)

§ 154.039 SUBMITTAL TO DEPARTMENT OF COMMUNITY DEVELOPMENT; REVIEW.

(A) *Submittal.*

(1) The tentative map shall be considered for filing only when such map conforms to § 154.037(B) of this chapter and when all accompanying data or reports, as required by the Department of Community Development have been submitted and accepted by the Department of Community Development.

(2) The subdivider shall file with the Department of Community Development

two reproducible copies of the tentative map.

('63 Code, § 10-4.402.4)

(B) *Review.* The Department of Community Development may forward copies of the tentative map to the Development Coordination Committee and shall forward copies to the affected public agencies which, in turn, will forward to the Department of Community Development their findings and recommendations thereon.

('63 Code, § 10-4.402.5)

(Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02)

§ 154.040 PLANNING COMMISSION AND CITY COUNCIL ACTION.

(A) *Notice of public hearings.*

(1) Upon receipt of a valid application, and having received from the Department of Community Development their report and recommendations for the proposed tentative subdivision map, the secretary of the Planning Commission shall set the matter for public hearing. At least 10 calendar days before the public hearing, he shall cause notice to be given of the time, date, and place of said hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved.

(2) The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.

(3) In addition to notice by publication, the city shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed change and, for proposed subdivisions in the coastal zone, all residents within 100 feet of the property which is the subject of the proposed change and the Coastal Commission. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, notice shall be given as required by Cal. Gov't Code § 66451.3.

(4) In the event that the proposed change has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, the city shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

(5) In addition, notice shall be given by first class mail to any person who has filed a written request with the secretary of the Planning Commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

(6) Substantial compliance with these provisions therewith to notice shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this chapter.

(7) The Planning Commission shall approve, conditionally approve, or deny the tentative map and shall report its decision to the City Council and the subdivider within 50 days after the tentative map has been accepted for filing.

(B) *Approval.*

(1) In approving or conditionally approving the tentative subdivision map, the Planning Commission shall find that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans (including the coastal land use plan) adopted by the city.

(2) The Planning Commission may modify or delete any of the conditions of approval recommended in the Department of Community Development's report, except conditions required by city ordinance or by the City Engineer, related to public health and safety or standards approved by the City Engineer, or add additional requirements as a condition of its approval.

(3) If no action is taken by the Planning Commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the State Subdivision Map Act, this chapter or other city ordinances, and it shall be the duty of this City Clerk to certify the approval.

(C) *Denial.* The tentative subdivision map may be denied by the Planning Commission on any of the grounds provided by city ordinances or the State Subdivision Map Act. The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general, coastal, and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general, coastal land use, or specific plans, as applicable.

(3) That the site is not physically suitable for land use for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subdivision shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(8) In the coastal zone, that the proposed subdivision results in the creation of a parcel or parcels totally within an environmentally sensitive habitat area or flood hazard area as defined in the coastal land use plan. Parcels created by division shall have sufficient nonsensitive and non-hazard area to accommodate development allowed in the applicable land use category, but not allowed in a sensitive habitat or flood hazard area.

(D) *City Council review.*

(1) If a tentative map is approved or conditionally approved, the Department of Community Development shall make a written report to the City Council. After the 15-day appeal period has expired, the City Council at its first meeting thereafter, shall consider the recommendation of the Planning Commission, unless the subdivider consents to a continuance. If the Council decides to review the map and conditions, it shall conduct a public hearing after giving notice pursuant to division (A) of this section. In addition, notice shall be given to the subdivider and the Planning Commission. At that hearing, the Council may add, modify, or delete conditions when the Council determines that such changes are necessary to insure that the tentative map conforms to zoning conditions imposed upon the property, applicable city ordinances, and of the State Subdivision Map Act. The City Council may deny the tentative map on any of the grounds contained in division (C) of this section. If the Council does not act within the time limits set forth in this subchapter, the tentative map shall be deemed to have been approved or conditionally approved as set forth in the Planning Commission's report.

(2) For proposed subdivisions in the coastal zone, the City Council shall provide notice of final city action on a tentative map to the Coastal Commission, as prescribed in Chapter 156 of this title.

(E) *Extension of time for Planning Commission or City Council action.* The time limits set forth in this section for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission or the City Council.

('63 Code, § 10-4.402.6) (Ord. 416-C.S., passed 12-6-84)

§ 154.041 APPEALS OF PLANNING COMMISSION ACTION.

(A) *By subdivider.* If the subdivider disagrees with any action by the Planning Commission with respect to the tentative subdivision map, he may, within 15 days of such decision, file an appeal with the City Clerk. The Council shall consider the appeal within 30 days or at its first regular meeting subsequent to such appeal, unless the subdivider consents to a continuance. This appeal shall be a public hearing after notice has been given pursuant to § 154.040(A) of this subchapter. In addition, notice shall be given to the subhearing, the Council shall within 10 days declare its findings. The Council may sustain, modify, reject, or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter or the State Subdivision Map Act.

(B) *By interested persons adversely affected.* Any interested person adversely affected by a decision of the Planning Commission may file a complaint with the City Council concerning such decision. Any such complaint shall be filed with the City Clerk within 15 days after the action which is the subject of the complaint. No complaint shall be considered after the 15-day period. The City Council may, at its discretion, reject the complaint within 15 days or set the matter for hearing. If the City Council rejects the complaint, the complainant shall be notified of such action. If the matter is set for hearing, a public hearing shall be held within 30 days after filing of the complaining pursuant to the procedures contained in division (A) of this section with additional notice being given to the affected interested persons.

(C) *For general plan, coastal land use plan, and specific plan conformity.*

(1) Any interested person may appeal any decision of the Planning Commission relative to conformity to the general plan, coastal land use plan, or any specific plan of the city to the City Council. Such appeal and hearing thereon shall be in accordance with division (A) of this section, with additional notice to be given to the appellant.

(2) For proposed subdivisions in the coastal zone which are located in the Coastal Commission Appeal Zone, the provisions of Chapter 156 of this title shall apply.

(D) *By tenant.* Any tenant of the property being subdivided in the course of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project may appeal from any action of the Planning Commission to the City Council pursuant to Cal. Gov't Code § 66452.5.

('63 Code, § 10-4.402.7) (Ord. 416-C.S., passed 12-6-84)

§ 154.042 EXPIRATION AND EXTENSIONS.

(A) *Expiration.*

(1) The official actions of the Planning Commission on a tentative subdivision map shall expire 24 months from the date of the adoption of the resolution by the Planning Commission. An extension to the expiration date may be approved as provided in subsection

(B)(2) of this section.

(2) The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the City Council. Within 10 days of the service of the initial petition or complaint upon the city, the subdivider shall, in writing, to the Director of Community Development, request a stay in the time period of the tentative map. Within 40 days after receiving such request, the City Council shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the City Council shall, within 10 days, declare its findings.

(3) Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or any portion of the real property included within such tentative map shall be filed without first processing a new tentative map.

(B) *Extensions.*

(1) *Request by subdivider.* The subdivider or his engineer may request an extension of the expiration date of the approved or conditionally approved tentative subdivision map by written application to the Department of Community Development. The application shall be filed not less than 45 days before the map is to expire and shall state the reasons for requesting the extension.

(2) *Planning Commission action.* The Director of Community Development shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial. A copy of the Director of Community Development's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the tentative subdivision map.

(3) *Time limit of extension.* The approved extension shall not exceed 12 months. The approved new expiration date shall not extend more than 5 years beyond the date of the resolution adopted by the Planning Commission.

(4) *Conditions of approval.* As a condition of the extension of a tentative subdivision map, the Planning Commission may impose new conditions or revise existing conditions in the approved tentative map as recommended by the Department of Community Development in its report or as it may find necessary.

(5) *Appeal of conditions of extension.* The subdivider may appeal any action of the Planning Commission on the extension to the City Council within 15 days of such action in conformance to § 154.041(A) of this chapter.

- (6) *Fee.* A fee for processing an extension shall be required.
(‘63 Code, § 10-4.402.8) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 441-C.S., passed 1-16-86) Penalty, see § 150.999

§ 154.043 AMENDMENTS TO APPROVED TENTATIVE MAP.

(A) Minor changes in the tentative map may be approved by the Department of Community Development upon application by the subdivider or on its own initiative, provided:

- (1) No lots, units, or building sites are added.
- (2) Such changes are consistent with the intent and spirit of the original tentative map approval.
- (3) There are no resulting violations of this code of ordinances.

(B) Any revision shall be approved by the Director of Community Development and the City Engineer. The amendment shall be indicated on the approved map and certified by the Director of Community Development and the City Engineer.

(C) Amendments of the tentative map other than minor amendments shall be presented to the Planning Commission for approval. Processing shall be in accordance with §§ 154.039(B) and 150.040 of this chapter.

(D) Any approved amendment shall not alter the expiration date of the tentative map.

(E) Amendments to an approved tentative map for a proposed subdivision located in the coastal zone shall require a coastal development permit, as prescribed in Chapter 156 of this title.

(‘63 Code, § 10-4.402.9) (Ord. 416-C.S., passed 12-6-84) Penalty, see § 150.999

§ 154.044 CONSTRUCTION AGREEMENT.

In the event the subdivider elects to construct the improvements prior to recordation of the map, the subdivider shall enter into a construction agreement as specified in § 154.145(B) of this chapter. Said construction agreement shall be approved by the City Engineer. The final map shall remain on file at the office of the City Engineer until acceptance of the improvements, or until an improvement agreement is entered into. Construction of the improvements shall not commence until the City Engineer has approved the construction agreement.

(‘63 Code, § 10-4.402.10) (Ord. 416-C.S., passed 12-6-84)

§ 154.045 FINAL MAPS; CONFORMANCE TO PROVISIONS; PREPARATION.

(A) The form, contents, accompanying data, and filing of the final map shall conform to the provisions of this subchapter.

(B) The final map shall be proposed by a registered civil engineer or licensed land surveyor.

('63 Code, § 10-4.403.1) (Ord. 416-C.S., passed 12-6-84)

§ 154.046 SURVEY REQUIRED.

(A) An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, adjoining surveys, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

(B) At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Cal. Bus. and Prof. Code § 8771 so that another engineer or surveyor may readily retrace the survey. The exterior boundary line of each lot shall be monumented. Other monuments shall be set as required by the City Engineer.

('63 Code, § 10-4.403.2) (Ord. 416-C.S., passed 12-6-84)

§ 154.047 FORM AND CONTENTS.

(A) *Form.*

(1) The form of the final map shall conform to the Subdivision Map Act and as provided herein.

(2) The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(3) The size of each sheet shall be 18 inches by 27 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch, except the left margin shall be three inches wide. The scale of the map shall be not less than one inch equals 100 or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four or more sheets including the certificate sheet are used, a key sheet will be included.

(4) All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

(5) The final form of the final map shall be as approved by the City Engineer.
(‘63 Code, § 10-4.403.3)

(B) *Contents.* The contents of the final map shall conform to the Subdivision Map Act and as provided herein.

(1) *Boundary.* The boundary of the subdivision shall be designated by a heavy blue line in such a manner as not to obliterate figures or other data.

(2) *Title.* Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States survey. The following words shall appear in the title, “In the City of Eureka.” The section, township, and range shall be identified.

(3) *Certificates.* The following certificates shall appear only once on the cover sheet, and shall be signed by the appropriate parties in India ink:

(a) *Owner's certificate.* A certificate, signed and acknowledged by all parties having record title interest in the land subdivided, excepting those parties having rights-of-way, easements, or other interests which cannot ripen into a fee, or exceptions provided by the Subdivision Map Act and consenting to the preparation and recordation of the map and offering for dedication to the public certain specific parcels of land.

(b) *Engineer's certificate.*

1. A certificate by the engineer or surveyor responsible for the survey and final map shall appear on the map. The certificate shall give the date of the survey, state that the survey and final map were made by or under the direction of the engineer or surveyor, and that the survey is true and complete as shown.

2. The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that they will beset in such positions on or before as specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

3. The certificate shall state that the map complies to the Subdivision Map Act and the provisions of this chapter.

(c) *City Engineer' certificate.* A certificate by the City Engineer stating that the map has been examined and that it is in accord with the tentative map and any approved alterations thereof, complies with the Subdivision Map Act of the state and the

provisions of this chapter, and is technically correct.

(d) *Planning Commission certificate.* A certificate by the secretary of the Planning Commission stating that the tentative map was approved by resolution of the Planning Commission. The date and number of the resolution shall appear in the certificate.

(e) *City Clerk's certificate.* A certificate for execution by the City Clerk stating the date and number of the resolution adopted by the City Council approving the final map and stating that the City Council accepted, accepted subject to improvement or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

(f) *Certificate of soils and geologic report.* When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, such fact shall be noted on the final map, together with the date of such report or reports, and the name of the engineer making the soils report and geologist making the geologic report and the location where the reports are on file. The certificate shall read, "A soils and/or geologic report for this subdivision was prepared by me or under my direction and was filed with the city on (Date)."

(g) *County Recorder's certificate.*

1. A certificate to be executed by the County Recorder stating that the map has been accepted for filing; that the map has been examined and that it complies with the provisions of state laws and local ordinances governing the filing of final maps.

2. The certificate shall show who requested the filing of the map, the time and date the map was filed, and the book and page where the map was filed.

(h) *County Clerk's certificate.* A certificate to be executed by the County Clerk stating that all taxes due have been paid or that a tax bond assuring the payment of all taxes which are a lien but not yet payable has been filed with the county.

(4) *Scale, north point and basis of bearings.* There must appear on each map sheet the scale, the north point and the basis of bearings. The basis of bearings shall be approved by the City Engineer.

(5) *Linear, angular and radial data.* Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.

(6) *Monuments.* The location and description of all existing and proposed monuments shall be shown. Standard city monuments shall be set at (or from offsets as approved by the City Engineer) the following locations:

- (a) The intersection of street centerlines.
- (b) Beginning and end of curves in centerlines.
- (c) At other locations as deemed necessary by the City Engineer.
- (d) The City Engineer may waive the above requirements where deemed impractical.

(7) *Lot numbers.* Lot numbers shall begin with the number in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one sheet of the final map, unless approved by the City Engineer.

(8) *Adjoining properties.* The adjoining corners of all adjoining subdivisions shall be identified by a subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision; and if no such subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last recorded owner of such adjacent property.

(9) *City boundaries.* City boundaries which cross or join the subdivision shall be clearly designated.

(10) *Street names.* The names and widths of all streets, alleys, or highways within or adjoining the subdivision shall be shown.

(11) *Easements.*

(a) Easements for roads or street, paths, stormwater drainage, sanitary sewers, public access in the coastal zone, or other public use as may be required, shall be dedicated to the public for acceptance by the city or other public agency (or private association, in the case of public access easements), and the use shall be specified on the map. If at the time the final map is approved, any streets, paths, alleys or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any late date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

(b) All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

(c) Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated

on the map, identifying the apparent dominant tenements for which the easement was created.

(d) All easements of record shall be shown by dashed lines on the final map with adequate survey data to locate said easements.

(e) The width and location of all easements to be dedicated on the map shall be approved by the City Engineer.

('63 Code, § 10-4.403.4)

(Ord. 416-C.S., passed 12-6-84)

§ 154.048 SUBMITTAL FOR CITY APPROVAL.

(A) *Preliminary submittal.* The subdivider shall submit a reproducible copy of the final map to the City Engineer for checking. The preliminary submittal shall be accompanied by two copies of the following data, plans, reports and documents in a form as approved by the City Engineer.

(1) *Improvement plans.* Improvement plans as required by § 154.144 of this chapter.

(2) *Soils report.* A soils report prepared in accordance with § 154.038(A) of this chapter.

(3) *Subdivision report.* A subdivision report as required under § 154.038(B) of this chapter.

(4) *Improvement bond estimate.* The improvement bond estimate shall include all improvements within public rights-of-way, easements, or common areas and utility trench backfill as provided by the developer, except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.

(5) *Deeds for easements or rights-of-way.* Deeds for easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the city in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

(6) *Traverse closures.*

(a) Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.

(b) The error of calculated closures in the traverse around the subdivision and around the interior lots or blocks shall not exceed one part in 20,000 (1/20,000).

(7) *Hydrology and hydraulic calculations.* Complete hydrology and hydraulic

calculations of all storm drains.

(8) *Organization documents.* The submittal of the final map shall include the proposed declaration of covenants, conditions and restrictions, and all other organizational documents for the subdivision in a form as prescribed by Cal. Civil Code § 1355. All documents shall be subject to review by the City Engineer and City Attorney.

(9) *Additional information.* Any additional data, reports or information as required by the City Engineer.

(B) *Return to subdivider's engineer for corrections.* Upon completing the preliminary check, the City Engineer shall note the required corrections on the preliminary prints, reports and data and return one set to the subdivider's engineer for revision.

(C) *Resubmittal to City Engineer.* The subdivider's engineer shall submit a reproducible copy of the revised map, and two sets of reports and data to the City Engineer. After checking the revisions, one set shall be returned to the subdivider's engineer marked approved as submitted, approved when corrected as noted or revise and resubmit.

(D) *Approval by the City Engineer.*

(1) Upon receipt of an approved print from the City Engineer, the subdivider shall submit the original tracing of the revised map, prepared in accordance with the Subdivision Map Act and this chapter and corrected to its final form, and signed by all parties required by the Map Act and this chapter to execute the certificates on the map, to the City Engineer.

(2) The City Engineer and the secretary of the Planning Commission shall sign the appropriate certificates and transmit the original to the City Clerk.

(E) *Approval or denial by City Council.*

(1) *Approval.*

(a) The final map upon execution by the City Engineer and the secretary of the Planning Commission, together with the subdivision improvement agreement, shall be placed on the Council agenda for their approval. The City Council shall consider the final map for approval within 10 days after filing with the City Clerk, or at its next regular meeting at which it received the map, whichever is later. The City Council shall have approved the subdivision improvement agreement before approving the final map.

(b) If the subdivision improvement agreement and final map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the city. If the subdivision improvement agreement and/or final map is unacceptable, the Council shall make their recommended corrections, instruct the City Engineer to draft a new agreement and/or revise the final map and defer approval until an acceptable agreement and/or final map has been resubmitted.

(2) *Denial.*

(a) The City Council shall deny approval of the final map upon making any of the findings contained in § 154.040(C) of this chapter.

(b) The City Council shall not deny approval of the final map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map.

(F) *Filing with the County Recorder.* Upon approval of the final map by the City Council and receipt of the improvement security by the City Engineer, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the map, or have an authorized agent forward the map to the Clerk of the County Board of Supervisors for transmittal to the County Recorder.

(G) *Submittal by units.* Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map; provided, however, that the subdivider, at the time the tentative map is filed, informs the Director of Community Development of the subdivider's intention to file multiple final maps on the tentative map. In providing such notice the subdivider shall not be required to define the number or configuration of the proposed multiple maps. However, the Planning Commission shall approve the sequence of map approvals. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The subdivision improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

('63 Code, § 10-4.403.5) (Ord. 416-C.S., passed 12-6-81)

SUBDIVISION MAPS; FOUR OR LESS PARCELS

§ 154.060 PRELIMINARY AND TENTATIVE PARCEL MAPS.

(A) *Submittal of preliminary map.* At the option of the subdivider, a preliminary parcel map may be submitted to Department of Community Development for initial review and comments, which may lead to a tentative parcel map. ('63 Code, § 10-4.501.1)

(B) *Tentative map; conformance required; preparation.* The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this division. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor. ('63 Code, § 10-4.501.2)

(Ord. 416-C.S., passed 12-6-84)

§ 154.061 FORM AND CONTENTS.

(A) *Form.* The tentative map shall be clearly and legibly drawn on one sheet. The scale shall be approved by the City Engineer. The final form shall be approved by the City Engineer. ('63 Code, § 10-4.501.3)

(B) *Contents.*

(1) The tentative map shall show the following information:

(a) A title.

(b) Name, address, and phone number of legal owner, subdivider, and person preparing the map (including registration number).

(c) Date, north arrow, scale and contour interval.

(d) Existing and proposed land use.

(e) A vicinity map sufficient to locate the proposed subdivision and show its relation to the community.

(f) Existing topography of the proposed site and at least 25 feet beyond its boundary, including but not limited to:

1. Contour lines having the following intervals (the date and the method of developing the contours shall be stated):

a. Two-foot contour intervals for ground slopes between level and 5% plus spot elevations as required.

b. Five-foot contour intervals for ground slopes exceeding 5% but less than 25%.

c. Ten-foot or 20-foot contour intervals for ground slopes exceeding 25%.

d. For subdivisions with no lot less than 20 acres, aerial planimetric maps without contours and blow-up or USGS contours may be submitted in lieu of a more detailed contour map.

2. Types, and size of existing trees shall be indicated. Any trees proposed to be removed shall be so indicated. Trees will be retained wherever possible to preserve the character of the area.

3. The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked.

4. The approximate location of all areas subject to inundation of stormwater overflow and the location, width and direction of flow of each watercourse.

5. The location, pavement and right-of-way width, grade, and name of existing streets or highways.

6. The widths, location and identity of all existing easements.

7. The location and size of existing sanitary sewers, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets.

8. For proposed subdivisions in the coastal zone, the location of environmentally sensitive habitat areas and natural hazards as designated in the coastal land use plan.

(g) Any improvements proposed by the owner shall be shown.

(h) If the site is to be graded, engineering data shall be shown as required under § 154.037(H)(5) of this chapter.

(i) The proposed lot layout and lot areas.

(j) Proposed easements or rights-of-way.

(k) A subdivision report as required under § 154.038(B) of this chapter. A soils and/or engineering geology report may be required by the Director of Community Development with the concurrence of the Building Official. If required, the reports shall be as specified in §§ 154.035 through 154.048 of this chapter.

(2) The Director of Community Development may waive any of the foregoing requirements upon finding that the locations or nature of the proposed minor subdivision is such as not to necessitate compliance with these requirements; or may require additional information as deemed necessary.

('63 Code, § 10-4.501.4)

(Ord. 416-C.S., passed 12-6-84; Am. Ord. 652-C.S., passed 2-5-02)

§ 154.062 SUBMITTAL TO DEPARTMENT OF COMMUNITY DEVELOPMENT.

Any person making a division of land for which a parcel map is required shall in accordance with the provisions of this subchapter, file two reproducible copies of the tentative parcel map to the Department of Community Development.

('63 Code, § 10-4.501.5) (Ord. 416-C.S., passed 12-6-84)

§ 154.063 REVIEW AND NOTICE.

(A) The tentative parcel map shall be reviewed by the Department of Community Development for compliance to all applicable city ordinances and the State Subdivision Map Act. Upon completion of the review and upon receipt of a valid application for the tentative parcel map, the Director of Community Development shall immediately give notice of the filing by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the latest assessment roll as owning real property within 100 feet of the property which is the subject of the proposed subdivision and, for proposed subdivisions within the coastal zone, all residents within 100 feet of the property which is the subject of the proposed subdivision and the Coastal Commission.

(B) In the event that the proposed subdivision has been requested by a person other than the property owner as such property owner is shown on the latest assessment roll, the city shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

(C) In addition, notice shall be given by first class mail to any person who has filed a written request with the Director of Community Development. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

(D) Substantial compliance with these provisions therewith to notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this subchapter.

(E) The Director of Community Development, at his discretion, may require that a public hearing be held by the Planning Commission when the proposed development arouses extraordinary public concern. The hearing and action shall be in accordance with § 154.040 of this chapter.

('63 Code, § 10-4.501.6) (Ord. 416-C.S., passed 12-6-84)

§ 154.064 ACTION BY DIRECTOR OF COMMUNITY DEVELOPMENT.

Upon completion of the review, the Director of Community Development shall approve, conditionally approve, or deny the tentative parcel map. If the map is approved, it shall be signed and dated by the City Engineer and the Director of Community Development. A letter of the action taken, along with any conditions imposed shall be sent to the subdivider and engineer. If the subdivision is denied, the subdivider or the engineer shall be so notified in writing with a statement for the reasons of denial. The Department of Community Development may refer the tentative parcel map to the Planning Commission for their consideration.

('63 Code, § 10-4.501.7) (Ord. 416-C.S., passed 12-6-84)

§ 154.065 APPROVAL AND/OR DENIAL; CONDITIONS OF APPROVAL.

(A) *Approval and/or denial.*

(1) In approving or conditionally approving the tentative parcel map, the Director of Community Development shall find that the proposed subdivision, together with its provisions for its design and improvements is consistent with applicable general or specific plans (including the certified coastal land use plan) adopted by the city.

(2) The tentative parcel map may be denied for any reason provided by city ordinances, resolutions, or the State Subdivision Map Act. The Director of Community Development shall deny approval of the tentative parcel map if he makes any of the findings contained in § 154.040(C) of this chapter.

('63 Code, § 10-4.501.8)

(B) *Conditions of approval.*

(1) In approving the tentative parcel map, the Director of Community Development or the City Engineer may impose as conditions of filing a parcel map any or all, but not limited to the following requirements:

- (a) Frontage improvements.
- (b) On-site improvements.
- (c) Off-site improvements.
- (d) Dedications.
- (e) Applicable fees.
- (f) A soils and/or engineering geology report.

(2) These requirements shall be in accordance with the provisions of this chapter. The subdivider or the engineer shall be notified in writing of all the conditions imposed.

('63 Code, § 10-4.501.9)

(Ord. 416-C.S., passed 12-6-84)

§ 154.066 REQUEST FOR REVIEW OF DIRECTOR OF COMMUNITY DEVELOPMENT'S ACTION.

(A) *By subdivider.* If the subdivider disagrees with any action by the Director of

Community Development with respect to the tentative map, he may, within 15 days of receipt of such decision, request a hearing of such action to the Planning Commission in accordance with division (B) of this section.

(B) *By interested persons adversely affected.*

(1) Any interested person adversely affected by a decision of the Director of Community Development with respect to the tentative parcel map may, within 15 days of such decision, file a request for hearing with the secretary of the Planning Commission. The Planning Commission shall consider the request within 45 days. This request shall be reviewed at a public meeting with notice being given to the subdivider and to the affected interested persons. Upon conclusion of the public meeting, the Planning Commission shall within 30 days declare its findings. The Planning Commission may sustain, modify, reject, or overrule any recommendations or rulings of the Director of Community Development and may make such findings as are not inconsistent with the provisions of this chapter or the State Subdivision Map Act.

(2) Any interested person adversely affected by a decision of the Planning Commission with respect to the tentative parcel map may file an appeal with the City Council concerning such decision. The procedure contained in § 154.041(B) of this chapter shall apply.

(C) *Subdivisions in coastal zone.* For proposed subdivisions in the coastal zone which are appealable to the Coastal Commission, the appeals provisions of Chapter 156 of this title shall apply.

('63 Code, § 10-4.501.10) (Ord. 416-C.S., passed 12-6-84)

§ 154.067 EXPIRATION AND EXTENSIONS.

(A) *Expiration.*

(1) The approval or conditional approval of the tentative parcel map shall expire 24 months from the date of its approval.

(2) The period of time specified shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the City Council. Within 10 days of the service of the initial petition or complaint upon the city, the subdivider shall, in writing, to the Director of Community Development, request a stay in the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the City Council shall, within 10 days, declare its findings.

(3) The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative

parcel map.

(B) *Extensions.*

(1) *Request by subdivider.* The subdivider or his engineer may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Director of Community Development. The application shall be filed not less than 30 days prior to the expiration date and shall state the reasons for requesting the extension.

(2) *Director of Community Development.*

(a) The Director of Community Development shall review the request for extension for approval, conditional approval, or denial. Not more than two extensions shall be approved for a tentative map and the period of extension shall not exceed 12 months. The extension of time shall commence with the expiration date of the approved or conditionally approved tentative map. The approved new expiration date shall not extend more than 2½ years beyond the date of initial approval by the Director of Community Development.

(b) Conditions of approval of the extension shall be in accordance with the provisions of this division.

(c) If the Director of Community Development denies a subdivider's application for extension, the subdivider may request a review by the Planning Commission within 15 days after the Director of Community Development has denied the extension. Requests for review shall be in accordance with § 154.066 of this subchapter.

('63 Code, § 10-4.501.11) (Ord. 416-C.S., passed 12-6-84)

§ 154.068 AMENDMENTS TO THE APPROVED TENTATIVE PARCEL MAP.

(A) Amendments to the tentative map or conditions of approval thereof may be approved by the Director of Community Development upon application by the subdivider or on its own initiative; provided:

(1) No lots, units or building sites are added.

(2) Such changes are consistent with the intent of the original tentative map approval.

(3) There are no resulting violations of this code of ordinances.

(B) Any revision shall be reviewed by the City Engineer and approved by the Director of Community Development. The revision shall be denoted on the approved tentative map and or in writing to the subdivider, whichever is appropriate.

(C) Any amendment shall not affect the expiration date of the approved tentative map.

(D) The Director of Community Development or City Engineer may require a new tentative parcel map application in lieu of the above procedure when, in their opinion, requested changes are substantial enough to warrant refiling and reprocessing.

(E) Amendments to an approved tentative parcel map in the coastal zone shall require a coastal development permit, as prescribed in Chapter 156 of this title.

('63 Code, § 10-4.501.12) (Ord. 416-C.S., passed 12-6-84)

§ 154.069 PARCEL MAPS; CONFORMANCE REQUIRED.

The form and contents, submittal, approval and filing of parcel maps shall conform to the provisions of this section and the State Subdivision Map Act.

('63 Code, § 10-4.502.1) (Ord. 416-C.S., passed 12-6-84)

§ 154.070 SURVEYS REQUIRED.

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, and adjoining surveys, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

('63 Code, § 10-4.502.2) (Ord. 416-C.S., passed 12-6-84)

§ 154.071 FORM AND CONTENTS.

(A) *Form.* The form of the parcel map shall conform to final map form requirements as specified by §§ 154.045 through 154.048 of this chapter. ('63 Code, § 10-4.502.3)

(B) *Contents.*

(1) The contents of the parcel map shall conform to final map content requirements as specified by §§ 154.045 through 154.048 of this chapter, and as modified herein.

(2) Certificates shall be in accordance with Section 66449 of the State Subdivision Map Act.

(3) The Planning Commission certificates will not be required unless the tentative parcel map was referred to the Planning Commission for its consideration. The city and County Clerk's certificate will not be required.

('63 Code, § 10-4.502.4)

(Ord. 416-C.S., passed 12-6-84)

§ 154.072 SUBMITTAL AND APPROVAL PROCEDURES.

(A) *Preliminary submittal.*

(1) The subdivider shall submit one reproducible copy of the parcel map to the City Engineer for checking. The preliminary submittal shall be accompanied by two copies of the data, plans, reports, and documents as required for final maps by §§ 154.045 through 154.048 of this chapter and as modified herein.

(2) The City Engineer may waive any of the four requirements upon finding that the location and nature of the proposed subdivision is such as not to necessitate compliance with the requirements of §§ 154.045 through 154.048 of this chapter.

(3) Any additional information or documents required shall be as specified with the conditions of approval of the tentative map.

('63 Code, § 10-4.502.5)

(B) *Return to subdivider's engineer for corrections.* Upon completing the preliminary check, the City Engineer shall note the required corrections on preliminary prints, reports and data and return one set to the subdivider's engineer for revision. ('63 Code, § 10-4.502.6)

(C) *Resubmittal.* The subdivider's engineer shall submit one reproducible copy of the revised map and two sets of reports and data to the City Engineer. After checking the revisions, one set shall be returned to the subdivider's engineer marked, "Approved As Submitted," "Approved When Corrected As Noted," or "Revise and Resubmit." ('63 Code, § 10-4.502.7)

(D) *Approval by City Engineer.* Upon receipt of an approved print, the subdivider shall submit the original tracing of the revised map, prepared in accordance with the subdivision map act and this chapter and corrected to its final form, and signed by all parties required by the Map Act and this chapter to execute the certificates on the map, to the City Engineer. The City Engineer shall accept, conditionally accept or reject offers of dedication and execute the certification on the map. ('63 Code, § 10-4.502.8)

(E) *Filing with the County Recorder.* The City Clerk or authorized agent shall transmit the approved parcel map directly to the County Recorder. ('63 Code, § 10-4.502.9)

(Ord. 416-C.S., passed 12-6-84)

§ 154.073 WAIVER OF PARCEL MAP REQUIREMENTS.

(A) The Director of Community Development, only with the concurrence of the City Engineer, may waive the parcel map for the following:

(1) Division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees;

(2) A division of property resulting from the conveyance of land, or interest therein, to a public agency for a public purpose, such as school sites, public building sites, or rights-of-way for streets, sewers, utilities, drainage, and the like; or,

(3) Upon making a finding that the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this chapter, local ordinance, and the Subdivision Map Act.

(B) Upon waiving the parcel map requirement, the City Engineer shall cause to be filed with the County Recorder a certificate of compliance for the land to be divided.

(C) A parcel map waived may be conditioned to provide for payment of park-land drainage, and other fees by a method approved by the City Engineer.

(D) Any waiver of a parcel map pursuant to this section shall not eliminate the requirement of a coastal development permit, as prescribed by Chapter 156 of this title for proposed subdivisions in the coastal zone.

('63 Code, § 10-4.502.10) (Ord. 416-C.S., passed 12-6-84)

VESTING TENTATIVE MAPS

§ 154.085 AUTHORITY AND PURPOSE.

(A) This subchapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act (hereinafter referred to as the Vesting Tentative Map Statute) and may be cited as the "Eureka Vesting Tentative Map Ordinance." The purpose of this subchapter is to establish appropriate local procedures for the implementation of the Vesting Tentative Map Statute.

(B) To accomplish this purpose, the regulations contained in this subchapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

('63 Code, § 10-4.5.501) (Ord. 492-C.S., passed 4-20-89)

§ 154.086 CONSISTENCY WITH GENERAL PLAN OR SPECIFIC PLANS; CITY APPROVALS REQUIRED PRIOR TO APPLICATION.

(A) No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan or any applicable specific plan of the city

or which is not permitted by the existing zoning ordinances or other applicable provisions of this code of ordinances.

(B) An application for approval of a vesting tentative map pursuant to this subchapter shall not be submitted nor accepted for filing unless the subdivider has previously obtained all other necessary discretionary city approvals for the development that are required pursuant to the applicable provisions of this code of ordinances.

('63 Code, § 10-4.5.502) (Ord. 492-C.S., passed 4-20-89) Penalty, see § 150.999

§ 154.087 APPLICATION; WHEN VESTING TENTATIVE MAP SHALL BE FILED.

(A) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this chapter, requires the filing of a tentative map for a subdivision development, a vesting tentative map may instead be filed in accordance with the provisions of this subchapter.

(B) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(C) For purposes of this subchapter, “vesting tentative map” shall include a vesting tentative map prepared in connection with a parcel map.

('63 Code, § 10-4.5.503) (Ord. 492-C.S., passed 4-20-89)

§ 154.088 FILING AND PROCESSING; PAYMENT OF DEVELOPMENT FEES.

(A) A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in this chapter for a tentative map except as hereinafter provided: at the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

(B) The Community Development Director or Planning Commission, as the case may be, may require as a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

('63 Code, § 10-4.5.504) (Ord. 492-C.S., passed 4-20-89)

§ 154.089 EXPIRATION.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by §§ 154.042 and 154.067 of this chapter for the expiration of the approval or conditional approval of a tentative

map.

('63 Code, § 10-4.5.505) (Ord. 492-C.S., passed 4-20-89)

§ 154.090 RIGHTS OF A VESTING TENTATIVE MAP.

(A) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Subdivision Map Act. However, if Section 64674.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(B) Notwithstanding division (A), a permit, approval, extension, or entitlement may be conditioned or denied if any of the following are determined:

(1) A failure to do so would place the residents of subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required in order to comply with state or federal law.

(C) The rights required to herein shall expire if a final map or parcel map is not approved prior to the expiration of the vesting tentative map as provided in § 154.089 of this subchapter. If the final or parcel map is approved, these rights shall last for the following periods of time:

(1) An initial time period of one year beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in § 154.089 of this subchapter or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.

(2) The one year initial time period set forth in subsection (C)(1) of this section shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds 30 days from the date a complete application is filed.

(3) A subdivider may apply to the Planning Commission, in the case of final maps, or to the Director of Community Development, in the case of parcel maps, for a one-year extension at any time before the initial time period set forth in subsection (1) of this division expires. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days in accordance with §§ 154.042(B) and 154.067 of this chapter.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) through (3) of this division, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

(D) Consistent with division (A) of this section, an approved or conditionally approved vesting tentative map shall not limit the city from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

('63 Code, § 10-4.5.506) (Ord. 492-C.S., passed 4-20-89)

§ 154.091 AMENDMENT TO APPROVED VESTING TENTATIVE MAP.

Amendments to the approved or conditionally approved vesting tentative map shall be in accordance with § 154.043 or § 154.068 of this chapter, as the code may be.

('63 Code, § 10-4.5.507) (Ord. 492-C.S., passed 4-20-89)

§ 154.092 DEVELOPMENT INCONSISTENT WITH ZONING; CONDITIONAL APPROVAL.

(A) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding § 154.090(A) of this subchapter, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(B) The rights conferred by this section shall be for the time periods set forth in § 154.090(C) of this subchapter.

('63 Code, § 10-4.5.508) (Ord. 492-C.S., passed 4-20-89)

§ 154.093 APPLICATIONS INCONSISTENT WITH CURRENT POLICIES.

Notwithstanding any provision of this subchapter to the contrary, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in § 154.090(A) of this subchapter, and the city may grant these approvals or issue these permits to the extent that the departures are authorized under this chapter, this code, the general plan and other applicable law.

('63 Code, § 10-4.5.509) (Ord. 492-C.S., passed 4-20-89)

DEDICATIONS AND RESERVATIONS

§ 154.105 DEDICATION OF STREETS, ALLEYS, AND OTHER PUBLIC RIGHTS-OF-WAY OR EASEMENTS.

As a condition of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutter's rights; drainage; public greenways; scenic easements; public utility easements; public access easements in the coastal zone (consistent with the coastal land use plan); and other required public easements.

('63 Code, § 10-4.601) (Ord. 416-C.S., passed 12-6-84)

§ 154.106 PARK LAND DEDICATION.

(A) *Authority; agreement with general plan.* This division is enacted pursuant to the authority granted by the subdivision map act of the state. The part and recreational facilities for which dedication of land and/or payment of a fee is required by this subchapter agree in accordance with the recreational element of the general plan of the city, adopted by the city on September 20, 1977, and any amendments thereto.

(B) *Requirements.* If required as a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula contained in this subchapter.

(C) *General standard.* It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five acres of property for each 1,000 persons residing within the city be devoted to local park and recreational purposes.

(D) *Standards and formula for dedication of land.* Where a park or recreational facility has been designated in an element of the general plan of the city, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider, if required shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula:

$$\text{Acreage} = \frac{\text{Avg. No. Pers./Unit} \times (\text{Units}) \times (5 \text{ Acres})}{1000 \text{ Pers.}}$$

(E) *Formula for fees in lieu of land dedication.*

(1) *General formula.* If there is no park or recreational facility designated in the city's general plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of

dedicating land, pay a fee equal to the value of the land prescribed for dedication in division (D) of this section and in an amount determined in accordance with the provisions of division (F) of this section, such fee to be paid for a local park which will serve the residents of the area being subdivided.

(2) *Use of money.* The money collected hereunder shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land or, if the Park and Recreation Commission deems that there is sufficient land available for the subdivision, for improving of such land for park and recreational purposes.

(F) *Amount of fee in lieu of park land dedication.*

(1) When a fee is required to be paid in lieu of park land dedication, the amount of such fee shall be based upon the average estimated fair market value of the land being subdivided.

(2) The fair market value shall be as determined by a qualified real estate appraiser mutually agreed upon by the city and the subdivider, which appraisal will be considered by the city in determining the fair market value. All costs required to obtain such appraisal shall be borne by the subdivider.

(3) The amount of fee to be paid in lieu of park land dedication shall be the value of the land which would otherwise be required to be dedicated pursuant to division (D) of this section.

(G) *Subdivisions not within general plan.* When the proposed subdivision lies within an area not then within, but to be included within, the city's general plan, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, in accordance with the adopted park and recreation principles and standards of the city's general plan and in accordance with the provisions of this subchapter.

(H) *Determination of land or fee.* Whether the city accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- (1) Recreational element of the city's general plan;
- (2) Topography, geology, access and location of the land in the subdivision available for dedication;
- (3) Size and shape of the subdivision of land available for dedication;
- (4) Feasibility of dedication; and,
- (5) Availability of previously acquired park property.

(I) *Procedure.*

(1) At the time of approval of the tentative subdivision map, the Recreation and Parks, Recreation, and Open Space Commission shall determine, after a report and recommendation from the Parks and Recreation Staff, pursuant to division (H) of this section whether land is to be dedicated or in lieu fees are to be paid by the subdivider or any combination of land and fees.

(2) The recommendation by the Parks and Recreation Staff and the action of the Parks, Recreation, and Open Space Commission shall include the following:

- (a) The amount of land required;
 - (b) That a fee be charged in lieu of land;
 - (c) That land and a fee be required;
 - (d) That a stated amount of credit be given for private recreation facilities or unique natural and special features, and the like;
 - (e) The location of the park land to be dedicated or use of in lieu fees;
- or
- (f) The approximate time when development of the park or recreation facility shall commence.

(3) This action shall be reviewed by the Planning Commission for concurrence. If concurrence is not obtained, this matter will be forwarded to the City Council for final determination. In making its determination, the Council shall be guided by the same standards contained in this subchapter where applicable.

(4) At the time of the filing of the final subdivision map, the subdivider shall dedicate the land and/or pay the fees as determined by the city.

(5) Open space covenants for private park or recreational facilities shall be submitted to the city prior to approval of the final subdivision map.

(J) *Commencement of development.* At the time of approval of the final subdivision map, the city shall specify when development of the park or recreational facilities shall be commenced.

(K) *Non-applicable subdivisions.* The provisions of this subchapter do not apply to industrial subdivisions, condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

('63 Code, § 10-4.602) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 588-C.S., passed 2-21-95)

§ 154.107 SCHOOL SITE DEDICATION.

As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one or more subdivisions within a school district shall dedicate to the school district such lands as the City Council shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.

('63 Code, § 10-4.603) (Ord. 416-C.S., passed 12-6-84)

§ 154.108 RESERVATION OF LAND.

(A) *Conformance with standards and formula required.* As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries and other public uses according to the standards and formula contained in this division.

(B) *Standards.* Where a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or adopted general plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the city to reserve sites as so determined by the city in accordance with the definite principles and standards contained in the above specific plan or the general plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or the general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

(C) *Procedure; agreement to acquire reserved area.* The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.

(D) *Payment to subdivider.* The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(E) *Termination.* If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically

terminate.

('63 Code, § 10-4.604) (Ord. 416-C.S., passed 12-6-84)

§ 154.109 WAIVER OF DIRECT STREET ACCESS.

(A) The city may require as a condition of approval of any subdivision, the waiver of direct access rights to proposed or existing streets from any property within the subdivision and abutting thereon.

(B) Any such waiver shall become effective in accordance with its provisions and shall be contained in the owners certificate of the final map or parcel map.

('63 Code, § 10-4.605) (Ord. 416-C.S., passed 12-6-84)

CONDOMINIUM CONVERSION

§ 154.120 PURPOSE.

(A) To establish criteria for the conversion of the existing multiple-family rental housing to condominiums, community apartments, stock cooperatives, and planned developments.

(B) To reduce the impact of such conversions on residents in rental housing who may desire to relocate due to the conversion of rental housing and community housing, by providing for procedures for notification and adequate time for such relocation.

(C) To assure that purchasers of converted community housing has been properly informed as to the physical condition on the structure which is offered for purchase.

(D) To insure that converted housing achieves a high degree of appearance and quality as is consistent with the goals of the city.

(E) To provide for availability of alternative modes of housing to the community by providing for the conversion of existing rental housing to community housing within the standards provided by this chapter.

('63 Code, § 10-4.701) (Ord. 416-C.S., passed 12-6-84)

§ 154.121 REQUIREMENTS AND PROCEDURES.

In addition to the requirements and procedures as set forth by §§ 154.020 through 154.109 of this chapter, conversions shall be subject to the additional requirements provided by this subchapter.

('63 Code, § 10-4.702.1) (Ord. 416-C.S., passed 12-6-84)

§ 154.122 PHYSICAL ELEMENTS REPORT.

(A) *Submittal.* A report on the physical elements of all structures and facilities shall be submitted with the tentative subdivision or parcel map.

(B) *Form and contents.*

(1) The report shall include, but not be limited to, the following:

- (a) Structural.
- (b) Foundations.
- (c) Electrical.
- (d) Plumbing.
- (e) Utilities.
- (f) Walls, ceilings, and windows.
- (g) Recreational facilities.
- (h) Sound transmission of each building.
- (i) Mechanical equipment.
- (j) Parking facilities.
- (k) Appliances.

(l) A report from licensed structural pest control operator on each structure and each unit within the structure.

(2) Regarding each such element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current Building Code and zoning. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed. No final map or parcel may be filed until any element hazardous to the health and/or safety of the occupants has been corrected to the satisfaction of the Building Official or City Engineer, depending on which one's area of technical specialty covers the specific element.

(3) The report shall include any known soil and geological conditions regarding soil deposits, rock formations, faults, ground water, and landslides in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.

(4) The final form of the report shall be as approved by the Department of Community Development.

(C) *Additional submittals.*

(1) A declaration of covenants, conditions and restrictions which would be applied on behalf of any and all owners of condominium units within the project. The declaration shall include, but not be limited to, the conveyance of units; the assignment of parking; and agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance, description of a provision for maintenance of all vehicular access areas within the project; an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit.

(2) Any other information which, in the opinion of the Director of Community Development, will assist in determining whether the proposed project will be consistent with the purposes of this subchapter.

(D) *Review and action by the Department of Community Development.*

(1) The subdivider shall submit five copies of the proposed report with (or prior to) the tentative map submittal.

(2) The Building Official, Director of Community Development, and the City Engineer or their authorized representatives shall make an on-site inspection and review the report and within 14 days transmit the report with their recommendations and comments to the Director of Community Development. The Director or his authorized representative shall review the report and all the comments and return one copy of the report to the subdivider for necessary revisions. The review procedure shall be repeated until the report is acceptable to the Director of Community Development.

(3) The report in its acceptable form shall remain on file with the Department of Community Development for review by any interested persons. The report shall be referenced to in the subdivision report to the Planning Commission.

(E) *Copy to buyers.*

(1) The subdivider shall provide each purchaser with a copy of the report (in its final acceptable form) prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project and said developer shall give the purchaser sufficient time to review said report.

(2) Copies of the report shall be made available at all times at the sales office, and shall be posted at various locations, as approved by the city, at the project site.

('63 Code, § 10-4.702.2) (Ord. 416-C.S., passed 12-6-84)

§ 154.123 CONFORMANCE TO EXISTING BUILDING REGULATIONS, ZONING AND STANDARDS.

(A) The Building Official, Director of Community Development, and City Engineer shall review the proposed conversion for conformance to this code of ordinances and accepted standards in effect at the time of the tentative map submittal.

(B) Each division shall then make recommendations for conditions of approval that will bring the project into conformance with existing regulations. If the proposed conversion is in conformance, the division shall so state.

(C) Any resulting conditions of approval imposed upon the tentative subdivision map or tentative parcel map shall be fulfilled prior to filing of the final map or parcel map.

('63 Code, § 10-4.702.3) (Ord. 416-C.S., passed 12-6-84)

§ 154.124 REFURBISHING AND RESTORATION.

(A) All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas and additional elements as required by the Department of Community Development shall be refurbished and restored as necessary to achieve a high degree of appearance and quality.

(B) Each living unit shall be provided with approved detectors and products of combustion other than heat conforming to the latest UBC standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

(C) A project inspection will be made by the Building Official, the Director of Community Development and the City Engineer or their authorized representatives. A deficiency list shall be compiled during the inspection of all corrections required to conform to the requirements of this section.

(D) When the final inspection has been completed, a copy of the deficiency list shall be transmitted to the subdivider.

(E) All deficiencies must be corrected to the satisfaction of the City Engineer or his authorized representative prior to filing of the final map or parcel map.

(F) Plans for corrective work may be required. When plans are required, they shall be

generally in accordance with § 154.144 of this chapter, and as approved by the City Engineer or his authorized representative.

('63 Code, § 10-4.702.4) (Ord. 416-C.S., passed 12-6-84)

§ 154.125 NOTICE TO TENANTS.

(A) *Evidence of receipt by tenant.* A notice of the intent to convert shall be delivered to each tenant. Evidence of receipt, satisfactory to the Director of Community Development or authorized representative, by each tenant shall be submitted with the tentative map.

(B) *Form and contents.*

(1) The form of the notice shall be as approved by the Director of Community Development and shall contain not less than the following:

- (a) Name and address of current owner;
- (b) Name and address of the proposed subdivider;
- (c) Approximate date on which the tentative map is proposed to be filed;
- (d) Approximate date on which the final map or parcel map is to be filed;
- (e) Approximate date on which the unit is to be vacated by non-purchasing tenants;
- (f) Tenants rights of purchase; and,
- (g) Tenants rights of notification to vacate.

(2) Other information may be required as deemed necessary.
('63 Code, § 10-4.702.5) (Ord. 416-C.S., passed 12-6-84)

§ 154.126 TENANTS RIGHT TO PURCHASE.

Any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of approval of the final subdivision map or parcel map. A tenant who is not current in his contractual obligations under his rental agreement or lease shall not be entitled to said right of first refusal.

('63 Code, § 10-4.702.6) (Ord. 416-C.S., passed 12-6-84)

§ 154.127 VACATION OF UNITS.

Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which he occupies his unit, shall have not less than 90 days from the date of receipt of notification from the subdivider of his intent to convert, or from the filing date of the final subdivision map or parcel map, whichever date is later, to find substitute housing and to relocate.

('63 Code, § 10-4.702.7) (Ord. 416-C.S., passed 12-6-84)

SUBDIVISION IMPROVEMENTS

§ 154.140 CONSTRUCTION ACCORDING TO STANDARDS; PREREQUISITE TO SUBMITTAL OF MAPS.

(A) The subdivider shall construct all required improvements both on and off-site according to approved standards.

(B) No final map shall be presented to the Council or parcel map to the City Engineer for approval until the subdivider either completes the required improvements, or enters into an agreement with the city agreeing to do such work.

('63 Code, § 10-4.801) (Ord. 416-C.S., passed 12-6-84)

§ 154.141 IMPROVEMENTS REQUIRED.

(A) All improvements as may be required as conditions of approval of the tentative map or city ordinance, together with but not limited to, the following shall be required of all subdivisions.

(B) Requirements for the construction of such off-site and on-site improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. Completion of improvements shall be in accordance with § 154.148 of this chapter.

(1) *Storm drainage.* Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development; off-site storm drain improvements may be required to satisfy this requirement.

(2) *Sanitary sewers.* Each unit or lot within the subdivision shall be served by

an approved sanitary sewer system, except that in proposed subdivisions in the coastal zone sewer service shall not be provided beyond the urban limit line, consistent with the coastal land use plan.

(3) *Water supply.* Each unit or lot within the subdivision shall be served by an approved domestic water system constructed in accordance with applicable provisions of Chapter 52 of this code of ordinances, except that in proposed subdivisions in the coastal zone off-site water service shall not be provided beyond the urban limit line, consistent with the coastal land use plan.

(4) *Utilities.*

(a) Each unit or lot within the subdivision shall be served by gas (if required), electric, telephone and cablevision facilities. All utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission regulations.

(b) For subdivisions of five or more parcels, the developer may appeal the undergrounding requirement along peripheral streets to the City Council. Such appeal shall be in accordance with § 154.041 of this chapter. The appeal shall be accompanied by an estimate from each utility company for the approximate cost per lineal foot and total cost to the underground its facilities along the peripheral street. The developer shall pay all fees as may be charged by each utility company to make the required estimate.

(c) The City Council may, at its discretion, accept a fee in lieu of the undergrounding of existing facilities along peripheral streets. The amount of fee shall not be less than the amount established by the City Engineer for the normal cost of undergrounding of existing utilities along residential streets.

(d) In lieu fees shall be deposited in a special undergrounding account to be used as approved by the City Council for future undergrounding of utilities throughout the city.

('63 Code, § 10-4.802) (Ord. 416-C.S., passed 12-6-84)

§ 154.142 DESIGN OF IMPROVEMENTS.

(A) *Conformance with standards required.* The design of all required improvements both on and off-site, private and public, shall conform to such standards as approved by the City Engineer.

(B) *Energy conservation.* The design of a subdivision for which a tentative map is required shall be in accordance with Section 66473.1 of the Subdivision Map Act.

('63 Code, § 10-4.803) (Ord. 416-C.S., passed 12-6-84)

§ 154.143 ACCESS.

- (A) The subdivision shall abut upon or have an approved access to a public street.
- (B) Each unit or lot within the subdivision shall have an approved access to a public street.
- (C) Street layout shall be designed to provide for future access to, and not impose hardship upon property adjoining the subdivision.
- (D) Reserve strips, or non-access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the city when required.
(‘63 Code, § 10-4.804) (Ord. 416-C.S., passed 12-6-84)

§ 154.144 IMPROVEMENT PLANS.

- (A) *Preparation; specifications included.*
 - (1) Improvement plans shall be prepared under the direction of and signed by a registered civil engineer licensed by the state.
 - (2) Improvement plans shall include but not be limited to grading, storm drains, landscaping, streets and related facilities.
- (B) *Form.*
 - (1) Plans, profiles and details shall be legibly drawn, printed or reproduced on 24 × 36 inch sheets. A border shall be made on each sheet providing ½-inch at top, bottom and right side and 1½ inches on the left side.
 - (2) A suitable title block shall be placed in the lower right corner or along the right edge and provide adequate space for approval by the City Engineer and for approval of plan revisions.
 - (3) Plan and profiles shall be drawn to the scale of one-inch equals 50 feet or larger unless approved by the City Engineer. Details shall be drawn to such scale that clearly shows the facility being constructed. The scales for various portions of the plans shall be shown on each sheet.
 - (4) A vicinity map shall be shown on the first sheet of all sets of plans.
 - (5) A north arrow shall be shown on each sheet when applicable.
 - (6) Plans shall be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the City Engineer.

(7) All lettering shall be 1/8 inch minimum.

(8) If the plans include three or more sheets, a cover sheet showing the streets, lots, easements, storm drains, index and vicinity map shall be included.

(9) The form of all plans shall conform to such additional requirements as may be established by the City Engineer. The final form of all plans shall be as approved by the City Engineer.

(C) *Contents.*

(1) The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private (including common areas).

(2) Reference may be made to city standards or State Standard Plans in lieu of duplicating the drawings thereon.

(D) *Supplementary plans and calculations.* Hydrology, hydraulic plans and calculations, bond estimates and any structural calculations as may be required, shall be submitted with the improvement plans to the City Engineer. All calculations shall be legible, systematic and signed and dated by a registered civil engineer licensed by the state and in a form as approved by the City Engineer.

(E) *Review and approval by the City Engineer.*

(1) The subdivider shall submit three sets of improvement plans and three copies of all computations to the City Engineer for review. Upon completion of his review, one set of the preliminary plans, with the required revisions indicated thereon, will be returned to the subdivider's engineer.

(2) (a) After completing all required revisions, the subdivider's engineer shall transmit the originals and one set of reproducible copies of the improvement plans to the City Engineer for his signature.

(b) Upon finding that all required revisions have been made and that the plans conform to all applicable city ordinances, design review requirements and conditions of approval of the tentative map, the City Engineer shall sign and date the plans. The originals will be returned to the subdivider's engineer.

(c) Approval by the City Engineer shall in no way relieve the subdivider or his engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design thereof or from any required conditions of approval for the tentative map.

(F) *Revisions to approved plans.*

(1) Requests by the subdivider or the engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the Engineering Department and shall be accompanied by three sets of revised drawings showing the proposed revision. If the revision is acceptable, the originals shall be submitted to the Engineering Department office for initialing. The originals shall be returned to the subdivider's engineer. Construction of any proposed revision will not be permitted to commence until revised plans have been initialed by the City's Engineering Department.

(2) When revisions are deemed necessary by the City Engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and his engineer. The subdivider's engineer shall revise the plans and transmit the originals to the City Engineer. Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit two sets of the revised drawings to the City Engineer. Construction of all or any portion of the improvements may be stopped by the City Engineer until revised drawings have been submitted.

('63 Code, § 10-4.805) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 588-C.S., passed 2-21-95)

§ 154.145 IMPROVEMENT AND CONSTRUCTION AGREEMENTS.

(A) *Improvement agreement.* The agreement shall be prepared and signed by the City Engineer and approved as to form by the City Attorney. The agreement shall provide for:

(1) Construction of all improvements per the approved plans and specifications.

(2) Completion of improvements within the time specified by § 154.148 of this chapter.

(3) Right by city to modify plans and specifications.

(4) Warranty by subdivider that construction will not adversely affect any portion of adjacent properties.

(5) Payment of inspection fees in accordance with the city's resolution establishing fees and charges.

(6) Payment of in-lieu fees for undergrounding of utilities on peripheral streets; proof of public utility deposits; payment of in-lieu fees for park land dedication.

(7) Improvement security as required by this subchapter.

(8) Maintenance and repair of any defects or failures and causes thereof.

(9) Release of the city from all liability incurred by the development and

payment of all reasonable attorney's fees that the city may incur because of any legal action arising from the development.

(10) Provide certificates of insurance for Workman's Compensation, public liability and property damage.

(11) Any other deposits, fees or conditions as required by city ordinance or resolution and as may be required by the City Engineer.

(B) *Construction agreement.*

(1) In the event that the subdivider elects to construct the improvements prior to signing of the map by the City Engineer and submittal to Council, the subdivider shall enter into a construction agreement providing for all items enumerated in division (A) of this section, except subsection (7) regarding improvement security. In addition, the construction agreement shall specify that the subdivider shall not sell any lots in the subdivision, nor shall a map thereof be recorded, until such time as the complete work of improvement has been accepted by the city, or in the alternative, the subdivider has furnished such surety and payment bonds, and in such amounts as are then acceptable to the City Engineer for any work remaining to be done that is incomplete, and provides such assurance as may be required by the city that the cost of all completed work has been paid or that payment for such work is otherwise guaranteed.

(2) Upon acceptance of the improvements, warranty security shall be provided in accordance with § 154.146(D) of this chapter.

('63 Code, § 10-4.807) (Ord. 416-C.S., passed 12-6-84)

§ 154.146 IMPROVEMENT SECURITY.

(A) *Conformance required; prerequisite to approval of maps.*

(1) Any agreement, or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in accordance with Section 66499 of the State Subdivision Map Act and as provided herein.

(2) No final map or parcel map shall be signed by the City Engineer or recorded until all improvement securities required by this section have been received and approved.

(B) *Form of security.*

(1) The form of security shall be one or the combination of the following at the option and subject to the approval of the City Engineer.

(a) Bond or bonds by one or more duly authorized corporate sureties.

(b) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the city, or money or negotiable bonds of the kind approved for securing deposits of public monies.

(c) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

(d) A lien upon the property to be divided, created by contract between the owner and the city, if the local agency expressly finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.

(e) A lien in the form of deed of trust upon the real property if approved by the City Engineer.

(2) The provisions of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the State Subdivision Map Act.

(C) *Real property liens.*

(1) The City Engineer shall have the discretion to accept or reject liens upon real property offered as good and sufficient subdivision security.

(2) In considering offered liens, the City Engineer may consider any factor he finds relevant and may require the subdivider to submit such information as he deems necessary.

(3) An application to the City Engineer shall contain the following:

(a) Two current appraisals prepared by an independent appraiser commonly accepted by financial institutions.

(b) A current preliminary title report.

(c) A current credit report.

(d) A contract for the installation of the subdivision improvements unless the subdivider is licensed to perform such work.

(e) A loan commitment or other source of funding the construction.

(f) Two copies of the tentative map and letter of approval.

(g) An application fee in the amount set by resolution.

(4) Subdivision real property liens shall be senior to all other liens and in the

case of subdivision of four or fewer parcels shall not exceed 50% and in the case of subdivision of five or more lots shall not exceed 30% of the appraised unsubdivided value of the property.

(5) Upon approval, an escrow shall be opened providing for the preparation of the deed of trust, issuance of a standard form title policy in favor of the city in the amount of the lien, closure of escrow within 45 days and payment of all escrow cost fees and expenses by the subdivider.

(D) *Amount of security.*

(1) A performance bond or security in the amount of 100% of the estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of 50% of the estimated construction cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of improvements.

(2) The estimate of improvement costs shall be as approved by the City Engineer and shall provide for:

(a) No less than 5% nor more than 10% of the total construction cost for contingencies.

(b) Increase for projected inflation computed to the estimated midpoint of construction.

(c) All utility installation costs or a certification acceptable to the City Engineer from the utility company that adequate security has been deposited to insure installation.

(d) In addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorney's fees, incurred in enforcing the obligation secured.

(E) *Warranty security.* Upon acceptance of the subdivision improvements by the City Council, the subdivider shall provide security in the amount as required by the City Engineer to guarantee the improvements throughout the warranty period. The amount of the warranty security shall be not less than 10% of the cost of the construction of the improvements for the one-year warranty period.

(F) *Reduction in performance security.* The City Engineer may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider. The amount of reduction of the security shall be as determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion

of the improvements and any other obligation imposed by this chapter, the Subdivision Map Act, or the improvement agreement.

(G) *Release of improvement securities.*

(1) *Performance security.* The performance security shall be released only upon acceptance of the improvements by the city and when an approved warranty security has been filed with the City Engineer.

(2) *Material and labor security.* Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six months after the completion and acceptance of the improvements by the City Council, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the City Council. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

(3) *Warranty security.* The warranty security shall be released upon satisfactory completion of the warranty period provided:

(a) All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected.

(b) Not less than 12 months have elapsed since the acceptance of the improvements by the City Council.

('63 Code, § 10-4.808) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 440-C.S., passed 1-16-86; Am. Ord. 444-C.S., passed 4-17-86)

§ 154.147 CONSTRUCTION.

(A) *Conformance required; plan and agreement prerequisite to commencement.*

(1) The construction methods and materials for all improvements shall conform to the standards and details of the city.

(2) Construction shall not commence until the required improvement plans have been approved by the City Engineer, and the subdivider has entered into an improvement or construction agreement and met all provisions thereof.

('63 Code, § 10-4.809)

(B) *Construction inspection.*

(1) *Improvements subject to inspection.* All improvements are subject to inspection by the City Engineer or authorized personnel in accordance with the city's standards.

(2) *Pre-construction conference.* Prior to commencing any construction, the

developer shall arrange for a pre-construction conference with the City Engineer.

(3) *Final inspection and deficiency list.*

(a) Upon completion of the subdivision improvements, the developer shall apply in writing to the City Engineer for a preliminary final inspection. The City Engineer shall schedule a preliminary final inspection.

(b) A deficiency list shall be compiled during the inspection noting all corrections or any additional work required. If the number of items are excessive or the subdivision appears incomplete, the preliminary final inspection may be halted and rescheduled on a date as determined by the City Engineer or authorized representative.

(c) When the preliminary final inspection has been completed, a copy of the deficiency list shall be transmitted to the developer for correction.

(d) Upon having completed all corrections or additional work as outlined by the deficiency list, the developer shall certify in writing that all corrections have been completed satisfactorily and request a final inspection. The City Engineer shall then make a final inspection.

(e) Upon finding that all items on the deficiency list have been corrected and receipt of as-built improvement plans, the subdivision shall be placed on the Council agenda for acceptance.

(f) The completion of corrections indicated by the deficiency list shall not relieve the developer from the responsibility of correcting any deficiency not shown on the list that may be subsequently discovered.

('63 Code, § 10-4.810)

(Ord. 416-C.S., passed 12-6-84)

§ 154.148 COMPLETION OF IMPROVEMENTS.

(A) *Subdivisions of five or more parcels.*

(1) The subdivision improvements shall be completed by the developer within 18 months, or such time as approved by the City Engineer, not to exceed a period of 24 months, from the recording of the final map, unless an extension is granted by the City Council.

(2) Should the subdivider fail to complete the improvements within the specified time, the city may, by resolution of Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs therefor.

(B) *Subdivisions of four or less parcels.*

(1) Completion of improvements will not be required until such time as a permit or other grant of approval for the development of any parcel within the subdivision is applied for. Improvements shall be completed prior to final building inspection or occupancy of any unit within the subdivision.

(2) The completion of the improvements may be required by a specified date by the city when the completion of such improvements are found to be necessary for public health or safety or for the orderly development of the surrounding area. This finding shall be made by the City Engineer. Such specified date, when required, shall be stated in the subdivision improvement agreement or construction agreement.

(C) *Extensions.*

(1) The completion date may be extended by the City Council for subdivisions of five or more parcels and by the City Engineer for subdivisions of four or less parcels upon written request by the developer and the submittal of adequate evidence to justify the extension. The request shall be made not less than 30 days prior to expiration of the subdivision improvement agreement, or construction agreement.

(2) The subdivider shall enter into an amendment to the subdivision agreement with the city. For subdivisions of five or more parcels, the amendment shall be prepared and signed by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and transmitted to the City Council for their consideration. If approved by the City Council, the Mayor shall execute the amendment on behalf of the city.

(3) In consideration of an amendment to the subdivision agreement, the following may be required:

(a) Revision of improvement plans to provide for current design and construction standards when required by the City Engineer.

(b) Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer.

(c) Increase of improvement securities in accordance with revised construction estimates.

(d) Inspection fees may be increased to reflect current construction costs.

(4) The City Council may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition to approving any time extension for the completion of improvements.

(5) The costs incurred by the city in processing the amendment shall be borne

by the developer.

('63 Code, § 10-4.811) (Ord. 416-C.S., passed 12-6-84)

§ 154.149 ACCEPTANCE OF IMPROVEMENTS.

(A) When all improvements deficiencies have been corrected and original as-built improvement plans filed, the subdivision improvements shall be considered by the city for acceptance. Improvements for subdivisions of five or more parcels must be accepted by the City Council. The City Engineer shall be responsible for the acceptance of improvements for subdivisions of four or less parcels.

(B) Acceptance of the improvements shall imply only when the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

('63 Code, § 10-4.812) (Ord. 416-C.S., passed 12-6-84)

REVERSION TO ACREAGE

§ 154.160 CONFORMANCE TO PROVISIONS REQUIRED; COASTAL DEVELOPMENT PERMIT.

(A) Subdivided property may be reverted to acreage pursuant to provisions of this subchapter and the State Subdivision Map Act. This subchapter shall apply to final maps and parcel maps.

(B) In the coastal zone, reversions to acreage shall require a coastal development permit, as prescribed in Chapter 156 of this title.

('63 Code, § 10-4.901) (Ord. 416-C.S., passed 12-6-84)

§ 154.161 INITIATION OF PROCEEDINGS.

(A) *By owners.* Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owner of record of the property. The petition shall be in a form prescribed by the Director of Community Development. The petition shall contain the information required by § 154.161 of this chapter and such other information as required by the Director of Community Development.

(B) *By City Council.* The City Council, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Director of Community Development to obtain the necessary information to initiate and conduct the proceedings.

('63 Code, § 10-4.902) (Ord. 416-C.S., passed 12-6-84)

§ 154.162 CONTENTS OF PETITION.

The petition shall contain but not be limited to the following:

- (A) Evidence of title to the real property;
- (B) Evidence of the consent to all of the owners of an interest in the property;
- (C) Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later;
- (D) Evidence that no lots shown on the final or parcel map was filed for record;
- (E) A tentative map in the form prescribed by §§ 154.036 through 154.044 or 154.085 of this chapter;
- (F) A final or parcel map in the form prescribed by § 154.45 through 154.048 or 154.69 through 154.073 of this chapter which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of This Map is a Reversion to Acreage"; or,
- (G) All persons submitting petitions as required by this subchapter shall pay all fees and/or deposits as provided by the city's resolution establishing fees and charges.
('63 Code, § 10-4.903) (Ord. 416-C.S., passed 12-6-84)

§ 154.163 SUBMITTAL OF PETITION TO THE DIRECTOR OF COMMUNITY DEVELOPMENT.

(A) The final map or parcel map for the reversion together with all other data as required by this subchapter shall be submitted to the Director of Community Development for his review.

(B) Upon finding that the petition meets with all the requirements of this chapter and the State Subdivision Map Act, the Director of Community Development shall submit the final map or parcel map, together with his report and recommendations of approval or conditional approval of the reversion to acreage to the City Council for their consideration.

('63 Code, § 10-4.904) (Ord. 416-C.S., passed 12-6-84)

§ 154.164 PUBLIC HEARING; CITY COUNCIL APPROVAL.

(A) A public hearing shall be held by the City Council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Cal. Gov't

Code § 66451.3.

(B) The Director of Community Development may give such other notice that he deems necessary or advisable.

(1) The City Council may approve a reversion to acreage only if it finds and records by resolution that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and,

(b) Either:

1. All owners of an interest in the real property within the subdivision have consented to reversion;

2. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or,

3. No lots shown on the final or parcel map were filed for record.

(2) The City Council may require as conditions of the reversion:

(a) The owners dedicate or offer to dedicate streets, public rights-of-way or easements.

(b) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this chapter.

('63 Code, § 10-4.905) (Ord. 416-C.S., passed 12-6-84)

§ 154.165 FILING WITH COUNTY RECORDER.

(A) Upon approving the reversion to acreage, the City Engineer shall transmit the final map or parcel map, together with the City Council resolution approving the reversion to the County Recorder for recordation.

(B) Reversion shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

('63 Code, § 10-4.906) (Ord. 416-C.S., passed 12-6-84)

CORRECTION AND AMENDMENTS OF MAPS

§ 154.175 AMENDMENT BY CERTIFICATE OF CORRECTION OR AMENDING MAP; REASONS.

After a final or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map:

- (A) To correct an error in any course or distance shown thereon;
 - (B) To show any course or distance that was omitted therefrom;
 - (C) To correct an error in the description of the real property shown on the map;
 - (D) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - (E) To show the proper location of any monument which has been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character; or
 - (F) To correct any other types of map error or omission as approved by the City Engineer which does not affect any property right.
- ('63 Code, § 10-4.1001) (Ord. 416-C.S., passed 12-6-84)

§ 154.176 FORM AND CONTENTS.

The amending map or certificate or correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of §§ 154.045 through 154.048 of this chapter if a final map, or §§ 154.069 through 154.073 of this chapter if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

('63 Code, § 10-4.1002) (Ord. 416-C.S., passed 12-6-84)

§ 154.177 SUBMITTAL AND APPROVAL BY THE CITY ENGINEER.

- (A) The amending map or certificate of correction, complete as to final form, shall be submitted to the City Engineer for his review and approval.
- (B) The City Engineer shall examine the amending map or certificate of correction and if the only changes made are those set forth in § 154.175 of this subchapter, he shall certify to this fact on the amending map or certificate of correction.

('63 Code, § 10-4.1003) (Ord. 416-C.S., passed 12-6-84)

§ 154.178 FILING WITH THE COUNTY RECORDER.

The amending map or certificate of correction certified by the City Engineer shall be filed in the office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected in the same manner as though set forth upon the original map.

('63 Code, § 10-4.1004) (Ord. 416-C.S., passed 12-6-84)

§ 154.179 FEE.

All persons submitting amending maps or certificates of correction required by this subchapter shall pay all fees and/or deposits as provided by the city's resolution establishing fees and charges.

('63 Code, § 10-4.1005) (Ord. 416-C.S., passed 12-6-84)

PARCEL MERGERS

§ 154.190 MERGERS NOT REQUIRED.

Two or more contiguous parcels or units or land which have been subdivided under the provisions of this chapter or the State Subdivision Map Act shall not merge by virtue of the fact that such contiguous parcels are held by the same ownership. No further proceedings under this chapter shall be required for the purpose of sale, lease or financing, except as provided by this subchapter.

('63 Code, § 10-4.1201) (Ord. 416-C.S., passed 12-6-84)

§ 154.191 MERGERS REQUIRED.

(A) If any of two or more contiguous parcels or units held by the same owner does not conform to the minimum parcel size requirements of existing zoning regulations so as not to permit its development, and at least one of the affected parcels is not developed with a structure other than an accessory structure for which a building permit was issued or which was built prior to the time such permits were required by the city, and with respect to any affected parcel, one or more of the following conditions exist: comprises less than 5,000 square feet in area at the time of the determination of merger; was not created in compliance with applicable laws and ordinances in effect at the time of its creation; does not meet current standards for sewage disposal and domestic water supply; does not meet slope stability standards; has no legal access which is adequate for vehicular and safety equipment access and maneuverability; its

development could create health or safety hazards; is inconsistent with the applicable general plan other than minimum lot size or density standards; a structure is built on or across a property line; then such parcels shall be considered as merged for the purpose of this chapter.

(B) If the sole reason for merger is that the parcel(s) contain less than 5,000 square feet, then the Planning Commission may consider an exception from merger for any parcel(s) containing a width of 35 feet or greater in accordance with provisions included in § 154.040 of this chapter.

('63 Code, § 10-4.1202) (Ord. 416-C.S., passed 12-6-84; Am. Ord. 433-C.S., passed 7-18-85)

§ 154.192 NOTICE OF MERGER.

(A) Whenever the Director of Community Development has knowledge that real property has merged pursuant to this subchapter, they shall cause to be filed with the County Recorder a notice of merger. At least 30 days prior to recording of notice, the owner of the parcels or units shall be advised in writing of the intention to record such notice.

(B) The notification to the owner shall specify a time, date, and place at which the owner may present evidence as to why the notice of merger should not be recorded.

(C) The notice of merger to be recorded shall specify the names of the record owners and describing the property to be merged.

('63 Code, § 10-4.1203) (Ord. 416-C.S., passed 12-6-84)

§ 154.193 REQUEST BY PROPERTY OWNER; APPROVAL OF MERGER.

(A) Upon request of the legal owner of contiguous parcels, the Director of Community Development or authorized representative may approve the merger of the property. Such request shall be in writing and shall be accompanied by such data and documents as required by the Director of Community Development.

(B) Upon approval, a “notice of merger” shall be filed with the County Recorder. The form and content of the notice shall be as required by the Director of Community Development.

(C) In approving such merger, the city may impose reasonable conditions. The reasonableness of such conditions may be appealed within 15 days of written notice of the conditions to the City Council in accordance with § 154.0041(A) of this chapter.

('63 Code, § 10-4.1204) (Ord. 416-C.S., passed 12-6-84)

ADMINISTRATION AND ENFORCEMENT

§ 154.205 PROHIBITIONS.

(A) No person shall offer to sell or lease, to contract to sell or lease, to sell or lease or to finance any parcel or parcels of real property or to commence construction of any building for sale, lease or financing thereon, except for model homes, or to allow occupancy thereof for which a final map is required by this chapter, or the State Subdivision Map Act, until such map thereof, in full compliance with the provisions of this chapter, or the State Subdivision Map Act has been filed with the County Recorder for record.

(B) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any buildings for sale, lease or financing thereon, except for model homes, or allow occupancy thereof for which a parcel map is required by this chapter or the State Subdivision Map Act, until such map thereof, in full compliance with the provisions of this chapter and the State Subdivision Map Act has been filed for record by the recorder.

(C) Conveyances of any part of a division of real property for which a final or parcel map is required by this chapter shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record with the County Recorder.

(D) This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(‘63 Code, § 10-4.1101) (Ord. 416-C.S., passed 12-6-84) Penalty, see § 150.999

§ 154.206 REMEDIES.

(A) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this chapter or State Subdivision Map Act is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

(B) Any grantee or his successor in interest of real property which has been divided or which has resulted from a division, in violation of the provisions of this chapter or the State Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

(C) The provisions of this section shall not apply to the conveyance of any parcel of

real property identified in a certificate of compliance filed pursuant to Cal. Gov't Code § 66499.35 or identified in a recorded final map or parcel map, from and after the date of recording. The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

(D) This section does not bar any legal, equitable or summary remedy to which the city or other public agency, or any person, firm or corporation may otherwise be entitled, and the city or other public agency, or such person, firm or corporation may file a suit in the Superior Court of the county to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this chapter.

(E) The city shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this chapter or the State Subdivision Map Act if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

(F) The city, in issuing a permit or granting approval for the development of any such real property, may impose those additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which has been established at such time by this division or local ordinance enacted pursuant thereto, except that if a conditional certificate of compliance has been filed for record under the provisions of this subchapter, only such conditions stipulated shall be applicable.

('63 Code, § 10-4.1102) (Ord. 416-C.S., passed 12-6-84)

§ 154.207 CERTIFICATE OF COMPLIANCE.

(A) Any person owning real property within the city may request the Director of Community Development to determine whether such real property complies with the provisions of this chapter and the State Subdivision Map Act.

(B) Upon making such determination, the Director of Community Development shall cause a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with applicable provisions of this code of ordinances and the State Subdivision Map Act.

(C) If the Director of Community Development determines that such real property does not comply with the provisions of this code of ordinances or State Subdivision Map Act, he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which had been established at such time by ordinance. Upon making such a determination and establishing such conditions, the Director of Community Development

shall cause a conditional certificate of compliance to be filed for record with the County Recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued.

(D) A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

(E) For the purposes of administration of this section, any parcel that is shown on the County Assessor's maps prior to March 4, 1972, shall be considered as a conforming parcel.

(F) A fee shall be charged to the applicant for making the determination and processing the certificate of compliance.

(G) In the coastal zone, the applicant shall be required to obtain a coastal development permit, as prescribed by Chapter 156 of this title, in addition to any certificate of compliance.

('63 Code, § 10-4.1103) (Ord. 416-C.S., passed 12-6-84)

§ 154.208 CERTIFICATE OF NONCOMPLIANCE.

Whenever the Director of Community Development has knowledge that real property has been divided in violation of the provisions of this chapter or the Subdivision Map Act, the Director of Community Development shall cause to be filed for record with the County Recorder a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, and describing the violation, and stating that an opportunity will be given to the owner to present evidence. Upon recording a notice of intention to record a notice of violation, the Director of Community Development shall mail a copy of such notice to the owner of such real property. The notice shall specify a time, date, and place at which the owner may present evidence to the Planning Commission why such notice should not be recorded. If, after the owner has presented evidence, it is determined that there has been no violation, the Director of Community Development shall record a release of the notice of intention to record a notice of violation with the County Recorder. If, however, after the owner has presented evidence, the Planning Commission determines that the property has in fact been illegally divided, or if within 60 days of receipt of such copy the owner of such real property fails to inform the Planning Commission of his objection to recording the notice of violation, the Director of Community Development shall record the notice of violation with the County Recorder. The notice of intention to record a notice of violation and the notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

('63 Code, § 10-4.1104) (Ord. 416-C.S., passed 12-6-84)